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**BEN LO**  
**ANYWHERECOMMERCE vs INGENICO, INC.**

**December 08, 2021**  
**5-8**

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1 (DEPOSITION COMMENCED AT 12:32 P.M.)  
2 BEN LO,  
3 being duly sworn, deposes testifies as follows:  
4 THE REPORTER: Would you please state  
5 your name for the record.  
6 THE VIDEOGRAPHER: This is media unit  
7 one to the video recorded deposition of Ben Lo in  
8 the matter of AnywhereCommerce, Inc., et al.  
9 versus Ingenico, Inc., et al., heard before the  
10 United States District Court for the District of  
11 Massachusetts, Case Number 1:19-cv-11457-IT.  
12 This deposition is being held remotely using  
13 Esquire Control Remote Technology, and the  
14 witness is located in Vancouver, Canada on  
15 December 8, 2021 at 9:36 a.m.  
16 My name is Heidi Stuart, and I'm the  
17 videographer. The Court Reporter is Denise Webb.  
18 Counsel, will you please introduce yourselves and  
19 your affiliations, and the witness will be sworn.  
20 MR. TECHENTIN: Jeffrey Techentin at  
21 Adler Pollock & Sheehan, P.C. on behalf of the  
22 defendants.  
23 MR. GRIFFIN: Oliver Griffin, Kutak  
24 Rock, on behalf of the plaintiffs and the witness  
25 today.

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1 MS. BOZEMAN: Melissa Bozeman, Kutak  
2 Rock, on behalf of the plaintiffs.  
3 THE WITNESS: Ben Lo.  
4 MR. TECHENTIN: Good morning, Mr. Lo.  
5 My name is Jeffrey Techentin. As I said a few  
6 moments ago, I'm from the law firm of Adler  
7 Pollock & Sheehan, and I'm here today  
8 representing the defendants.  
9 I have some -- I'll have some questions for  
10 you, but before we get into that, I'd like to get  
11 on the record an agreement that I think we have  
12 between the plaintiffs and the defendants  
13 regarding this deposition.  
14 And it is the following: That this  
15 deposition, which is being conducted remotely  
16 over Zoom, with the court reporter who's located  
17 in Rhode Island, with yourself in Vancouver,  
18 Canada, is duly noticed and taken under Rule 30  
19 of the Federal Rules of Civil Procedure, and that  
20 it may be used in this case as a deposition in  
21 compliance with Rule 30. Counsel, do I have  
22 agreement on that?  
23 MR. GRIFFIN: Yes.  
24 MR. TECHENTIN: Thank you.  
25

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1 EXAMINATION BY MR. TECHENTIN:  
2 Q. Good morning, Mr. Lo. Before we get started,  
3 maybe I'll just ask you, have you ever given a  
4 deposition before?  
5 A. Yes.  
6 Q. How many times?  
7 A. One.  
8 Q. And in what circumstance did you give a  
9 deposition previously?  
10 A. We were suing a company in the U.S., and I'm  
11 one of the witnesses to give the deposition.  
12 Q. When did that happen, your deposition?  
13 A. Five years ago.  
14 Q. Were you a party to that litigation?  
15 A. Yes.  
16 Q. Personally or your company?  
17 A. My company.  
18 Q. Was that BBPOS Limited?  
19 A. Yes.  
20 Q. And who was the defendant in that case?  
21 A. Samsung Pay.  
22 Q. Were there any other parties to the case other  
23 than BBPOS Limited and Samsung Pay?  
24 A. No.  
25 Q. Were you represented?

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1 A. Yes.  
2 Q. By whom?  
3 A. What? Can you say again?  
4 Q. Who represented you?  
5 A. Who represent -- I forget that. I forget  
6 that.  
7 Q. You had a lawyer though?  
8 A. I have a lawyer, yes.  
9 Q. And you don't remember who the lawyers were for  
10 you in the litigation with Samsung?  
11 A. I forget. It was not arranged by me.  
12 Q. It appears your lips are moving. I don't know if  
13 you're actually saying something, and I can't  
14 hear it.  
15 A. The lawyer was not arranged by me, so I don't  
16 know. I forget name of the law firm or lawyers.  
17 Q. The lawyer was not arranged by you; is that what  
18 you're saying?  
19 A. Yes.  
20 Q. Okay. Where did that deposition take place?  
21 A. California, San Francisco.  
22 Q. All right. So if you've given a deposition  
23 before, you probably are familiar with the format  
24 here. And your lawyers may have told you much of  
25 this before we got started today. But you

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<p style="text-align: right;">Page 165</p> <p>1 remember what -- what meeting is for what.</p> <p>2 Q. How do you know that the -- that this meeting</p> <p>3 where the trade secret information was disclosed</p> <p>4 occurred between the signing of the term sheet</p> <p>5 and when the deal discussions broke down in mid</p> <p>6 June?</p> <p>7 A. How do I know? Because the DD process, Jimmy</p> <p>8 and Daniel told me that. They ask a lot of feed</p> <p>9 out (phonetic) questions.</p> <p>10 Q. Did Ingenico send an agenda for that meeting?</p> <p>11 A. I don't remember that.</p> <p>12 Q. Would it be unusual to have a meeting without an</p> <p>13 agenda in advance?</p> <p>14 A. No. You can send agenda. It would be from</p> <p>15 ROAM Data from Will Graylin.</p> <p>16 Q. My question is, given that it's not a simple</p> <p>17 thing to fly from Boston or France to Hong Kong,</p> <p>18 it would be typical to make arrangements for the</p> <p>19 meeting in advance, right?</p> <p>20 A. Yes.</p> <p>21 Q. And that would typically be done in writing, by</p> <p>22 e-mail, right?</p> <p>23 A. Yes.</p> <p>24 Q. And that would include setting up an agenda for</p> <p>25 discussions, correct?</p>	<p style="text-align: right;">Page 167</p> <p>1 A. Yes.</p> <p>2 Q. And as part of that process, did someone look at</p> <p>3 your e-mails?</p> <p>4 A. I think so. I think they looked at our</p> <p>5 e-mail.</p> <p>6 Q. And did somebody also look at your laptop or</p> <p>7 whatever computer you use for work?</p> <p>8 A. I'm not sure. I just have the IT team to</p> <p>9 coordinate with (inaudible).</p> <p>10 Q. If there were an agenda for a meeting between</p> <p>11 ROAM Data and BBPOS for this due diligence</p> <p>12 process, you would have gotten in your e-mail,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. And that would have been gathered as part of the</p> <p>16 process in this case; is that fair?</p> <p>17 MR. GRIFFIN: Objection.</p> <p>18 A. Yes.</p> <p>19 Q. You didn't do anything to remove those types of</p> <p>20 e-mails before they were produced in this case,</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. I think you mean -- no -- you didn't take those</p> <p>24 documents out of your e-mail before so they</p> <p>25 wouldn't get to us, right?</p>
<p style="text-align: right;">Page 166</p> <p>1 A. Yes.</p> <p>2 Q. Have you seen any correspondence regarding</p> <p>3 setting up a meeting or an agenda for a meeting</p> <p>4 between March and June of 2012?</p> <p>5 A. I think so, but I don't remember that.</p> <p>6 Q. Were you involved in the gathering of the</p> <p>7 documents that were produced in this case?</p> <p>8 A. Yeah. Some of the document, yeah.</p> <p>9 Q. What was your role in the document-gathering</p> <p>10 process?</p> <p>11 A. Just give the instruction of -- like, I asked</p> <p>12 Daniel and Jimmy to provide the information. So</p> <p>13 my role was more like project manager.</p> <p>14 Q. Did you yourself provide documents that would be</p> <p>15 considered in this litigation?</p> <p>16 A. No. No.</p> <p>17 Q. Did anybody ask for your e-mails?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Were your e-mails subject to whatever</p> <p>20 process it was that gathered documents in this</p> <p>21 case?</p> <p>22 A. Can you repeat your question?</p> <p>23 Q. Sure. I'm just trying to understand -- I assume</p> <p>24 your lawyers ran through the process of gathering</p> <p>25 documents in this case; is that right?</p>	<p style="text-align: right;">Page 168</p> <p>1 A. I didn't take the e-mail off. Yeah. I</p> <p>2 didn't take the e-mail off.</p> <p>3 Q. So I want to go back to something you said</p> <p>4 earlier today, which was -- let me see if I</p> <p>5 understand the time line correctly here. So, in</p> <p>6 2012, there's a potential deal with ROAM Data,</p> <p>7 and also in 2012, you give a bunch of trade</p> <p>8 secret information to ROAM Data, right?</p> <p>9 A. Yes.</p> <p>10 Q. And pretty shortly thereafter, Will Graylin tells</p> <p>11 you, I've been fired because I had a problem</p> <p>12 sharing your secrets with Ingenico, right?</p> <p>13 A. Yes.</p> <p>14 Q. And but Ingenico -- strike that. But ROAM Data</p> <p>15 wants to give your information -- your secret</p> <p>16 information to Ingenico, right?</p> <p>17 A. I don't know.</p> <p>18 Q. Well, that's what Will said to you, right?</p> <p>19 A. Yeah. He told me, but I don't know whether</p> <p>20 this is true or not true.</p> <p>21 Q. Am you knew that ROAM Data, in fact, hadn't all</p> <p>22 of the information that we've talked about here</p> <p>23 today, right?</p> <p>24 A. Yes.</p> <p>25 Q. So you know it was capable of providing that</p>